

Attorney Docket No.: 01CON207P
Application Serial No.: 10/004,655

REMARKS

This Amendment and Response is in response to the *Non-Final* Office Action of September 12, 2005, where the Examiner has rejected claims 1-49. By the present amendment, claims 2, 15 and 38-49 have been cancelled, and claims 1, 3, 5-7, 9-10, 14, 16, 18-19, 25-26 and 33-34 have been amended. After the present amendment, claims 1, 3-14, 16-37 remain pending in the present application. An early allowance of outstanding claims 1, 3-14, 16-37 in view of the following remarks is requested.

A. Rejection of Claims 4, 12, 17, 28, 36, 41 and 47 under 35 USC §112, ¶ 2

The Examiner has rejected claims 4, 12, 17, 28, 36, 41 and 47, under 35 USC §112, ¶ 2, as being indefinite for reciting the term "dictionary size." The Examiner states that the term "dictionary size" is vague and indefinite to one of ordinary skill in the art, and the Examiner suggests applicant to specify the amount of memory for dictionary compression size.

Applicant respectfully disagrees. Applicant respectfully submits that "dictionary size" is a term that is well known in the art of data compression. For example, the data compression protocols MNPS, V.42bis or V.44 (see ITU-T Recommendations), which have been mentioned in the present application, make many references to dictionary size for data compression. Those of ordinary skill in the art of data compression are very well familiar with Lempel-Ziv algorithm that makes numerous references to dictionary and dictionary size. Applicant believes that there is no reason the dictionary size must be specifically stated in the claims, as a specific dictionary size is merely a design choice and unduly limits the scope of claims. Accordingly, applicant respectfully requests that rejection of claims 4, 12, 17, 28, 36, 41 and 47, under 35 USC §112, ¶ 2, be withdrawn.

Attorney Docket No.: 01CON207P
Application Serial No.: 10/004,655

B. Rejection of Claims 38, 44 and 49 under 35 USC §102(e)

The Examiner has rejected claims 38, 44 and 49, under 35 USC § 102(e), as being anticipated by Cave, et al. (US Publication No. 2001/0005372) ("Cave").

By the present amendment, applicant has cancelled claims 38, 44 and 49. Accordingly, applicant respectfully submits that the Examiner's rejection of claims 38, 44 and 49 has been rendered moot.

C. Rejection of Claims 1, 2, 5 and 43 under 35 USC §103(a)

The Examiner has rejected claims 1, 2, 5 and 43, under 35 USC § 103(a), as being unpatentable over Cave.

In rejecting claim 1, the Examiner acknowledges that Cave does not teach "receiving a third compressed data from said third communication device by said first communication device, wherein said third compressed is compressed according to said second protocol and transmitting said third compressed data to said communication device by said first communication device." (Office Action, Page 7.) However, the Examiner goes on to state that Cave teaches that the entire sequence of compression/decompression and translation must be performed again.

Applicant respectfully submits that a key difference between Cave and claim 1 of the present application has been overlooked. As described in Cave and shown in FIG. 2 of Cave, when gateway 224 receives G.723 data over packet network 216, gateway 224 must decompress G.723 data and then compress the decompressed data according to G.711 protocol for transmission to telephone 218. The reverse of this process, as alluded to by the Examiner, would be that when gateway 224 receives G.711 data from telephone 218, gateway 224 must

Attorney Docket No.: 01CON207P
Application Serial No.: 10/004,655

decompress G.711 data and then compress the decompressed data according to G.723 protocol for transmission over packet network 216.

However, claim 1 breaks away from this conventional reverse process that has been described by the Examiner. First, applicant would like to respectfully direct the Examiner's attention to FIG. 2 of the present application, where gateway 220 illustrates that compressed data 224 is received by gateway 220, which is decompressed according to a first protocol, recompressed according to a second protocol and transmitted to client device 210 as compressed data 214. The departure from conventional systems, such as Cave, however, occurs in the second leg of communication, where compressed data 212, which is compressed according to the second protocol, is not decompressed by gateway 220 and then recompressed according to the first protocol for transmission over the packet network. Rather, gateway 220 transmits compressed data 212, which has been compressed by the client device according to the second protocol (not the first protocol), without decompression and recompression, over the packet network. In other words, compressed data 224 is compressed according to the first protocol and compressed data 222 is compressed according to the second protocol. On the other hand, as pointed out by the Examiner, Cave shows that a translation must occur at the gateway in both receive and transmit directions for communicating data over packet network 216.

By the present amendment, applicant has amended claim 1 for clarification purposes. Claim 1, as amended recites "transmitting said third compressed data to said second communication device, without decompressing said third compressed data, by said first communication device to said second communication device over said packet network." As stated above, Cave teaches that the third compressed data (e.g., compressed according to G.711) must be decompressed and recompressed (e.g., compressed according to G.723) for transmission

Attorney Docket No.: 01CON207P
Application Serial No.: 10/004,655

over the packet network. In sharp contrast, according to claim 1, the third compressed data (e.g., compressed according to MNPS) is not decompressed and recompressed but it is transmitted as the original MNPS compressed data over the packet network. Although, in the opposite direction, first compressed data (e.g., compressed according to V.44) is received over the packet network, and then decompressed according to V.44 and recompressed according to MNPS. Therefore, the data transmitted over the packet network is according a first protocol (e.g., compressed according to MNPS), in one direction, and second protocol (e.g., compressed according to V.44), in the other direction. In contrast, Cave teaches that the same compression protocol (i.e. G.723) is used by the gateway in both transmit and receive directions for communicating data over the packet network.

Accordingly, applicant respectfully submits that claim 1, as amended, and its dependent claim 5, should be allowed. Further, by the present amendment, claims 2 and 43 have been cancelled. Therefore, applicant respectfully submits that the Examiner's rejection of claims 2 and 43 has been rendered moot.

D. Rejection of Claims 3-4, 7-8, 11-13, 23-32 and 35-36 under 35 USC §103(a)

The Examiner has rejected claims 3-4, 7-8, 11-13, 23-32 and 35-36, under 35 USC § 103(a), as being unpatentable over Cave in view of Fayed (European Patent Application No. 1047231), which is the counterpart of US Application Serial No. 09/547,119 ("Fayed"). Applicant respectfully disagrees.

Applicant respectfully submits that Fayed is not a prior art reference under 102(e)/103(a), because according to 35 USC § 103(c), Fayed does not qualify as a prior art reference for the purpose of Examiner's rejection under 35 USC § 103(a). 35 USC § 103(c) reads as follows:

Attorney Docket No.: 01CON207P
Application Serial No.: 10/004,655

Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person. (emphasis added.)

Applicant respectfully submits that Fayed and the present application were subject to an obligation of assignment to Conexant Systems, Inc., at the time the invention was made. As shown in the USPTO assignment records, Fayed was assigned by the inventors to Conexant Systems, Inc. on August 3, 2000, and recorded on August 28, 2000 under Reel/Frame Nos. 011031/0860 in the USPTO. Further, the present application was assigned by the inventor to Conexant Systems, Inc. on November 29, 2001, and recorded on December 4, 2001 under Reel/Frame Nos. 012360/0759 in the USPTO. Accordingly, claims 3-4, 7-8, 11-13, 23-32 and 35-36 should be allowed.

E. Rejection of Claims 14-15, 18 and 20-22 under 35 USC §103(a)

The Examiner has rejected claims 14-15, 18 and 20-22, under 35 USC § 103(a), as being unpatentable over Cave in view of Bruno, et al. (USPN 5,724,355) ("Bruno"). Applicant respectfully disagrees.

Applicant respectfully submits that claim 14, as amended, includes limitations similar to those of claim 1, discussed above. Accordingly, at least for the reasons stated above in conjunction with patentability of claim 1 over Cave, applicant respectfully submits that claim 14, as amended, and its dependent claims 18 and 20-22, should also be allowed. Further, by the present amendment, claim 15 has been cancelled. Therefore, applicant respectfully submits that the Examiner's rejection of claim 15 has been rendered moot.

Attorney Docket No.: 01CON207P
Application Serial No.: 10/004,655

F. Rejection of Claims 9-10, 33-34 and 37 under 35 USC §103(a)

The Examiner has rejected claims 9-10, 33-34 and 37, under 35 USC § 103(a), as being unpatentable over Cave in view of Fayed, and further in view of Bruno. Applicant respectfully disagrees.

Applicant respectfully submits that claims 9-10, 33-34 and 37 depend from claims 7 and 30, respectively. Accordingly, at least for the reasons stated above in conjunction with patentability of claims 8 and 30, applicant respectfully submits that claims 9-10, 33-34 and 37 should also be allowed.

G. Rejection of Claims 16-17 under 35 USC §103(a)

The Examiner has rejected claims 16-17, under 35 USC § 103(a), as being unpatentable over Cave in view of Bruno, and further in view of Fayed. Applicant respectfully disagrees.

Applicant respectfully submits that claims 16-17 depend from claims 14. Accordingly, at least for the reasons stated above in conjunction with patentability of claim 14, as amended, applicant respectfully submits that claims 16-17 should also be allowed.

H. Rejection of Claims 6, 42 and 48 under 35 USC §103(a)

The Examiner has rejected claims 6, 42 and 48, under 35 USC § 103(a), as being unpatentable over Cave in view of Heath (US Publication No. 2002/0009136) ("Heath"). Applicant respectfully disagrees.

Applicant respectfully submits that claim 6 depends from claim 1. Accordingly, at least for the reasons stated above in conjunction with patentability of claim 1, as amended, applicant

Attorney Docket No.: 01CON207P
Application Serial No.: 10/004,655

respectfully submits that claim 6 should also be allowed. Further, by the present amendment, claims 42 and 48 have been cancelled. Therefore, applicant respectfully submits that the Examiner's rejection of claims 42 and 48 has been rendered moot.

I. Rejection of Claim 19 under 35 USC §103(a)

The Examiner has rejected claim 19, under 35 USC § 103(a), as being unpatentable over Cave in view of Bruno, and further in view of Heath. Applicant respectfully disagrees.

Applicant respectfully submits that claim 19 depends from claims 14. Accordingly, at least for the reasons stated above in conjunction with patentability of claim 14, as amended, applicant respectfully submits that claim 19 should also be allowed.

J. Rejection of Claims 40-41 and 46-47 under 35 USC §103(a)

The Examiner has rejected claims 40-41 and 46-47, under 35 USC § 103(a), as being unpatentable over Cave in view of Fayed, and further in view of Heath. Applicant respectfully disagrees.

By the present amendment, claims 40-41 and 46-47 have been cancelled. Therefore, applicant respectfully submits that the Examiner's rejection of claims 40-41 and 46-47 has been rendered moot.

K. Rejection of Claims 39 and 45 under 35 USC §103(a)

The Examiner has rejected claims 39 and 45, under 35 USC § 103(a), as being unpatentable over Cave in view of Davis, et al. (USPN 5,483,530) ("Davis"). Applicant respectfully disagrees.

Attorney Docket No.: 01CON207P
Application Serial No.: 10/004,655

By the present amendment, claims 39 and 45 have been cancelled. Therefore, applicant respectfully submits that the Examiner's rejection of claims 39 and 45 has been rendered moot.

L. Conclusion

Based on the foregoing reasons, an early Notice of Allowance directed to all claims 1, 3-14, 16-37 pending in the present application is respectfully requested.

Respectfully Submitted,
FARJAMI & FARJAMI LLP



Farshad Farjami, Esq.
Reg. No. 41,014

FARJAMI & FARJAMI LLP
26522 La Alameda Ave., Suite 360
Mission Viejo, California 92691
Telephone: (949) 282-1000
Facsimile: (949) 282-1002

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Christina Carter
Name

Christina Carter
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